

Santa Barbara City Council Subcommittee on Homelessness and Community Relations
September 11, 2008
9 – 11 a.m.
Minutes

Louise Lowry Davis Center
1232 De la Vina Street
Santa Barbara, CA 93101

Topic - Panhandling, Primarily in the Downtown

Council Members Present: Iya Falcone, Dale Francisco, Helene Schneider

Staff Present: Frank Mannix, Sue Gray, Steve Wiley, Dave Gustafson, Don Olson, Rich Glaus

1. REQUEST FROM DOWNTOWN ORGANIZATION FOR REINSTATEMENT OF DOWNTOWN FOOT/BIKE PATROL

Bill Collyer, Executive Director of the Downtown Organization, began his presentation by listing observations that have been made by the organization: there used to be 2 full-time beat officers dedicated to the downtown area; resources have been shifted toward nightlife and gang enforcement; resources have been shifted away from downtown foot patrols; foot patrol is currently used for City Council meetings; current laws are lacking in curbing aggressive panhandling and the use of public benches for soliciting and/or street performing; municipal code violations have become civil penalties with no teeth; vigorous ongoing enforcement is needed; sidewalk skateboarding/bike riding has reached epidemic proportions; many panhandlers are not homeless; and the City has a financial responsibility to protect its investment downtown. He then presented recommendations which included: increased police presence in State Street corridor; work cooperatively with the downtown organization to achieve common goals of public perception of safety and promotion of increased police presence; consider new ordinances that are merchant/customer/visitor based; move benches away from the outside dining areas turning them toward the street where necessary; cooperative effort for public education campaign of giving to organizations instead of individuals; consider implementation of volunteer program for staffing non-essential desk positions to free-up uniformed beat officers; and continue to support the Downtown Safety Committee with police representation.

Members of the Downtown Organization Board were then given the opportunity to comment. Bill Duval, Downtown Organization President, stated that Santa Barbara's downtown needs to remain culturally and economically viable and the Downtown Organization, along with the City and other organizations, have stewardship for this area. David Damiano commented that there are noticeable results from police sweeps and there is a need for more foot patrol. Mark Whitehurst stated that there is a problem with vagrancy and they are not all homeless. Some non-homeless people make a living panhandling. David Lombardi stated that they need daytime police

presence to help alleviate vagrancy, unbridled panhandling and aggressive assaulting panhandling. Bill Collyer stated that downtown feels less welcoming to locals and tourists. Tamara Erickson spoke about the problem of bikes and skateboards on sidewalks. She also talked about a young aggressive group and asked for the presence of beat officers to inform them of the laws. David Lomardi stated that people are choosing to go elsewhere. Bill Duval stated that the aggressive youth are also preying on homeless victims. He also stated that the Downtown Organization thinks the Police Department in Santa Barbara is undermanned. Captain Frank Mannix stated that there are currently 2 beat officers in the downtown area. He also stated that other areas of the City have needs (i.e. Milpas Area) and they allocate their resources based on the needs of the entire City. He said the greatest deterrent is the law as it is legal to panhandle and harder to collect evidence of aggressive panhandling. Bill Collyer wrapped up the request by saying that the Downtown Organization is willing to work with the City on these issues.

2. PROGRAMS/ORDINANCES FROM OTHER CITIES

Sue Gray, Community Development Department, presented a summary of anti-panhandling programs and ordinances from other cities, including Santa Monica, Medford, Nashville, Roseburg, Denver, Dallas, San Francisco, Evanston and Orlando (see Attachment 1). She reported that there were three themes common to most areas: 1. An acknowledgement that panhandling itself is not illegal; 2. Most attempt to enforce “aggressive” panhandling and police feel restrained in dealing with it; and 3. Many panhandlers are not homeless. She reported that many cities have tried to come up with creative solutions to deal with the issue.

3. REALITIES/LEGALITIES OF INCREASED ENFORCEMENT

Steve Wiley, City Attorney, reported on the ordinances the City currently has dealing with panhandling, including prohibition of aggressive soliciting; sitting or lying on sidewalks and paseos along certain downtown portions of State Street; pedestrians blocking public sidewalks; injuring or interfering with property; solicitation of employment, business or contributions from streets; and commercial use of City streets (see Attachment 2). He also handed out a memo to the subcommittee regarding panhandling ordinances and relevant constitutional considerations (see Attachment 3). Steve also talked about State Penal Codes, Section 647, subsection (c) and Section 647c and explained that the Courts interpretation of “accosts”, “willfully” and “maliciously” is hard to enforce and consists of actual obstruction of a person’s way. Captain Frank Mannix, Santa Barbara Police Department, stated that it is difficult to enforce aggressive panhandling because the officer must be within earshot of the act or the victim must be willing to press charges.

4. INPUT FROM COMMUNITY

Several comments were made on the topic of panhandling and vagrancy including:

- Possibility of putting a time limit on benches
- Need to look at alternatives to panhandling (i.e. education and programs)
- Need for legal place for people to sell their wares

- Need to see homeless more as people and establish a relationship with them and ask them to move around and not monopolize one bench
- Hope that any ordinances that come out of this also include the Milpas – Cabrillo area
- Imelda Loza, Casa Esperanza, reported on a 2-week survey conducted by their street outreach workers on panhandling. Results include homeless panhandlers only. They found that panhandling is a \$600,000 industry in Santa Barbara (20 people per day x \$80 day x 7 days per week x 52 weeks per year). 80% are men and 20% are women. Of the men, 60% have no other income. . Reasons to panhandle include: “because it’s easy”, addiction problems (90% of the men and 70% of the women), and need it to live or get out of the elements. Many are mentally ill. Panhandling occurs not only on State Street, but also in Goleta at Costco and Home Depot, on Milpas Street and at the beaches.
- Include recovery as part of solution
- All shelters in County are currently full
- The largest homeless population in the last 12 months is women and children
- There has been an increase in assault on homeless individuals, especially women
- Many mentally ill homeless individuals on the street are not County Mental Health clients – they need relationships
- Many substance abuse issues, only 12 detox beds
- Need education on why youth are here – many are not homeless by choice – many are foster children who have aged out of the system
- Need collaboration with agencies who are working with the population
- The burden is on the City to come up with legal ways to minimize problems on State Street
- Residents have given up on State Street – need to solve this issue before residents will participate in the “big picture” – taking care of the issues that make them uncomfortable would go along way in creasing their interest
- It is in the City’s best interest to improve tourist areas since funds that support social service programs are supported by them
- Look at programs in Seattle and Carmel

Councilmember Francisco suggested that we explore the ideas (programs and/or ordinances) we may be able to do. He also stated that there are not enough officers on the street and that is a big topic. Councilmember Schneider expressed that an alternate giving program would require the full support of the Downtown Organization and others. She also suggested that we look at all the options, including what we can enforce now before adopting new ordinances. Councilmember Falcone suggested that we look at what we have now, what can be tweaked to work better and what the gaps are.

5. POSSIBLE FORMATION OF TASK GROUP (consisting of representatives from the Downtown Organization, Visitors And Conferences Bureau, Chamber Of Commerce,

Greater S.B. Lodging and Restaurant Association, Hoteliers, Homeless Service Providers, City staff) TO EXPLORE ANTI-PANHANDLING CAMPAIGN CONSISTING OF EDUCATION and/or ALTERNATIVES TO PANHANDLING

The subcommittee agreed to the formation of a task group to explore an anti-panhandling campaign. Staff will set this up to include the above organizations with the addition of a representative from the Milpas area.

6. DATE/TIME OF NEXT MEETING

The next meeting will focus on “Support of the Courts, District Attorney and County Probation to Curb Negative Behavior (i.e. injunctions and increased penalties) and Require Offenders to Receive Services/Treatment to Get on the Track to Recovery” and will be held on Thursday, October 2, 2008 at a location to be determined.

7. ADJOURN

The meeting adjourned at 11:05 a.m.

ATTENDEES

Alan Schwab
Emily Roessler, Noah's Anchorage
Bob
Laura Knight, Pascucci/Downtown Organization
Jill Wallerstedt, St. Brigid/New Beginnings Counseling Center Safe Parking
Sue Ford, Santa Barbara Mission (IPIC)
Tamara Erickson, Hotel S.B./Downtown Organization
Daniel Knapp, client
Linda Miller, Advocate/Homes on Wheels
Jace Turner, S.B. Library
Dave Lombardi, Fast Frame/Downtown Organization
Roger Heroux, Bringing Our Community Home
Imelda Loza, Casa Esperanza
Mark Whitehurst, CASA Magazine
John Buttny, 10 Year Plan to End Chronic Homelessness
Todd Crawford, Downtown Business Owner
Maria Arroyo, Downtown Organization
Steve Hyslop, Greater S.B. Lodging and Restaurant Assoc/Harbor Merchant's Assoc.
Ceta Walker, SBCVB&FC
Jaclyn Grant, Transition House
Mike Jordan, GSBLRA
David Damiano, Downtown Organization
Mike Sederholm, County HCD
John Dixon, Tri-County Produce
Nancy McCradie
Marck Aguilar, RDA
Cara Lane, Congresswoman Capps
Billy Godwin
Ruth Wilson, Pershing Park Outreach
Jack Wilson, Pershing Park Outreach
Karin Quimby, Supervisor Wolf
Kate Schwab, Downtown Organization
Bill Duval, Downtown Organization